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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ruth Sager et al.

Art Unit : 1642

Serial No. : 09/617,174

Examiner : S. Rawlings

Filed : July 17, 2000

TECH CENTER 1600/2900

Title : TRANSCRIPTIONAL REGULATORY SEQUENCES AND USES THEREOF

**Box Sequence**

Commissioner for Patents

Washington, D.C. 20231

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE AND/OR AMINO ACID SEQUENCES

PRE AMEND  
AJ  
PH#8  
6-12-01

In response to the communication dated April 27, 2001 (copy enclosed), applicants submit herewith a Sequence Listing in computer readable form as required by 37 CFR §1.824. In addition, applicants submit a Sequence Listing as required under 37 CFR §1.823(a) and a statement under 37 CFR §§1.821(f) and (g).

Applicants respectfully request entry of the paper copy and computer-readable copy of the Sequence Listing filed herewith for the instant application. Please insert the paper copy of the Sequence Listing following the Abstract and before the Drawings.

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

May 24, 2001  
Date of Deposit

Signature

Jennifer H. Payne  
Typed or Printed Name of Person Signing Certificate

Applicant : Ruth Sager et al.  
Serial No. : 09/617,174  
Filed : July 17, 2000  
Page : 2

Attorney's Docket No.: 00530-079003 / DFCI #478

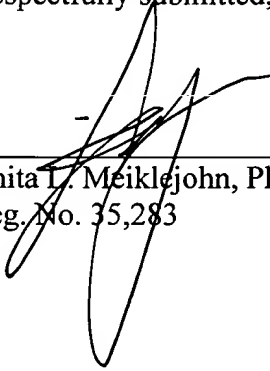
REMARKS

Applicants hereby submit that the enclosures fulfill the requirements under 37 C.F.R. §1.821-1.825. The amendment to the specification merely inserts the paper copy of the Sequence Listing in the specification. No new matter has been added.

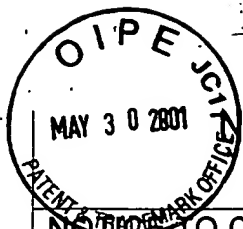
Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 24 MAY 2001

  
\_\_\_\_\_  
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## Notice to Comply

Application No.

09/617,174

Examiner

Stephen L. Rawlings, Ph.D.

Applicant(s)

SAGER ET AL.

Art Unit

1642

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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**JUN 01 2001**

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